

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY, individually and in
his capacity as executor of the Estate of Joseph
Shuster,

Plaintiff,

vs.

DC COMICS, INC., et al.,

Defendants.

Civil Action No. 1:25-cv-00910-JMF

PLAINTIFF'S NOTICE OF MOTION FOR A PRELIMINARY INJUNCTION

TOBEROFF & ASSOCIATES, P.C.
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*Attorneys for Plaintiff Mark Warren Peary,
individually and as executor of the Estate of
Joseph Shuster*

February 28, 2025

PLEASE TAKE NOTICE that Plaintiff Mark Warren Peary, individually and as executor of the Estate of Joseph Shuster (“Plaintiff”), by his attorneys, hereby moves this Court for entry of a preliminary injunction against Defendants DC Comics, Inc., DC Comics GP, DC Entertainment, Warner Bros. Discovery, Inc., and Does 1-10 (“Defendants”) and in favor of Plaintiff, enjoining the exploitation of the original “Superman” character and story, by Jerome Siegel and Joseph Shuster, first published in *Action Comics No. 1* (1938), within Canada, the United Kingdom, Ireland, and Australia, pursuant to Rule 65 of the Federal Rules of Civil Procedure. This Motion is based on the memorandum of law dated February 28, 2025, the accompanying declarations of Mark Warren Peary and Marc Toberoff, and exhibits attached thereto, Plaintiff’s Complaint, all matters of which the Court may take judicial notice, and any other written or oral argument and evidence that Plaintiff may present to the Court.

Dated: February 28, 2025

TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff

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